UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,575	01/09/2002	Gregory J. Wolff	20412-06364	7975

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EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/043,575	WOLFF ET AL.
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 August 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5,6,9,11,12,14,16,26-37 and 39-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5,6,9,11,12,14,16,26-37 and 39-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is in response to the Amendment filed 8/14/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-3,5-6,9,11-12,14,16,26-37,39-42 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Rubin et al ("Rubin", US 2002/0099552) in view of Heck et

al ("Heck" "A Survey of Web Annotation Systems"), Mitchell et al ("Mitchell", US

5,857,099) and Balabanovic ("Balabanovic, "Multimedia Chronicles for Business

Communications").

As per independent claim 1, Rubin discloses an apparatus for direct annotation of objects, the apparatus comprising: a display device for displaying one or more images (Figure 1 item 107); an audio input device for receiving an audio signal (Figure 1 item 118); a storage device for storing a plurality of visual notations ([0032]) plurality of different visual notations being text or a graphic image (Figure 4 item 401) and a direct annotation creation module coupled to receive an input audio signal from the audio input device and to receive a reference to a location within an image from the display device (Figure 4, [0048] lines 1-6, [0066] lines 1-3), the direct annotation creation module , in response to receiving the input audio signal and the reference to the location within the image (Figure 4), automatically creating an annotation object, independent from the image, that associates the input audio signal with the location (Figure 4). Rubin fails to distinctly point out having a plurality of different visual notations. However, Heck teaches a plurality of different visual notations (Page 2 lines 25-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the different notations of Heck with the apparatus of Rubin. Motivation to do so would have been to provide a distinguishable mark to decipher between annotations. Rubin-Heck fails to distinctly point out details of the audio voice recognition technology. However, Mitchell discloses an apparatus further comprising: an audio vocabulary storage for storing a plurality of audio signals and corresponding text strings (Mitchell, Figure 2 item 20); an audio vocabulary comparison module coupled to the audio input device (Column 5 lines 25-65), Therefore it would have been obvious to an artisan at the time of the invention to combine the vocabulary-based audio conversion of Mitchell

with the system of Rubin-Heck. Motivation to do so would have been to provide a convenient way to distinguish voice patterns for recognition. Rubin-Heck-Mitchell fails to distinctly point out corresponding a visual notation with an audio input. However, Balabanovic teaches corresponding one of the plurality of visual notations that matches the audio input (Figure 5 page 6). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Balabanovic with the system of Rubin-Heck-Mitchell. Motivation to do so would have been to provide a clear indication of who made the annotation so that if a user cannot recognize the voice associated with the annotation a corresponding picture would clarify.

As per claim 2, which is dependent on claim 1, the modified Rubin discloses the apparatus of claim 1 further comprising an annotation display module coupled to the direct annotation creation module, the annotation display module generating symbols or text representing the annotation objects (Rubin, Figure 4 item 401).

As per claim 3, which is dependent on claim 1, the modified Rubin discloses an annotation audio output module coupled to the direct annotation creation module, the annotation audio output module generating audio output in response to user selection of an annotation symbol representing an annotation object (Rubin, [0102] lines 1-25, [0132] lines 1-9).

As per claim 5, which is dependent on claim 1, the modified Rubin discloses the apparatus further comprising: an audio vocabulary storage for storing a plurality of audio signals and corresponding text strings (Mitchell, Figure 1 item 20); a dynamic vocabulary updating module coupled to the audio vocabulary storage and the audio input device (Mitchell, Column 5 lines 25-65), the dynamic vocabulary updating module for displaying an interface to create a new entry in the audio vocabulary storage (Mitchell, Column 5 lines 25-65), the dynamic vocabulary updating module receiving an audio input and a text string and creating the new entry in the audio vocabulary storage that includes a new visual annotation (Mitchell, Column 5 lines 25-65, Column 9 lines 45-56).

As per claim 6, which is dependent on claim 1, the modified Rubin discloses the apparatus of claim 1 further comprising a media object cache for storing media and annotation objects ([0046] –[0048]).

Claim 9 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

As per claim 26, the modified Rubin discloses a method for direct annotation of objects, the method comprising the steps of: displaying an image (Rubin, Figure 4);

receiving audio input (Rubin, [0041] lines 1-23); detecting selection of a location within the image (Rubin, [0086] –[0087]); comparing the audio input to a vocabulary to produce text or a graphic image (Mitchell, Column 5 lines 25-65, Balabanovic, Page 6 Figure 5); and creating an annotation that provides association between the image, the audio input, the selected location, one of a plurality of different visual notations comprising text or a graphic image (Rubin, [0097] lines 1-9, Heck, page 2 lines 25-34, Balabanovic, Figure 5), the annotation object including at least an audio input field, an image reference field, and an annotation location field ([0046]-[0049]), the creating step occurring automatically in response to the receiving or detecting steps (Rubin, [0129]).

As per claim 27, which is dependent on claim 26, the modified Rubin discloses further comprising the step of recording the audio input received (Rubin, [0041] lines 1-23).

As per claim 28, which is dependent on claim 27, the modified Rubin discloses the method, wherein the step of creating an annotation includes creating an annotation object including a reference to the selected image, the recorded audio input and one of the plurality of different annotations (Rubin, [0086] –[0087], Balabanovic, Figure 5 column 9 lines 37-52), and storing the annotation object in an object storage (Rubin, [0046] –[0049]).

As per claim 29, which is dependent on claim 26, the modified Rubin discloses the method, wherein the step of creating an annotation includes creating an annotation object and storing the text as part of the annotation object (Rubin, [0086] –[0087]).

As per claim 30, which is dependent on claim 26, the modified Rubin discloses a method further comprising the steps of determining if the audio input has a matching entry in the vocabulary (Mitchell, Column 5 lines 25-65); and storing the entry as part of the annotation object if the audio input has a matching entry in the vocabulary (Rubin, [0046] –[0049]).

As per claim 31, which is dependent on claim 29, the modified Rubin discloses a method, further comprising the steps of: determining if the audio input has a close match in the vocabulary; displaying the close matches; receiving input selecting a close match (Mitchell, Column 9 lines 45-65); and storing the selected close match as part of the annotation object if the audio input has a close match in the vocabulary (Mitchell, Column 9 lines 45-65).

As per claim 32, which is dependent on claim 30, the modified Rubin discloses the method, further comprising the step of displaying a message that the image has not been annotated if there is neither a matching entry in the vocabulary nor a close match in the vocabulary (Mitchell, Column 9 lines 45-56).

As per claim 33, which is dependent on claim 30, the modified Rubin discloses a method, further comprising the following steps if there is neither a matching entry in the vocabulary nor a close match in the vocabulary: receiving text input corresponding to the audio input (Mitchell, Column 9 lines 45-56); updating the vocabulary with a new entry including the audio input and the text input (Mitchell, Column 5 lines 25-65, Column 9 lines 45-65); and wherein the received text is stored as part of the annotation object (Rubin, [0046] –[0049]).

As per claim 34, which is dependent on claim 26, the modified Rubin discloses a method, further comprising the steps of: receiving text input corresponding to the audio input (Mitchell, Column 9 lines 45-56); updating the vocabulary with a new entry including the audio input and the text input (Mitchell, Column 5 lines 25-65, Column 9 lines 45-65).

As per independent claim 35, the modified Rubin discloses a computer implemented method for displaying objects with annotations, the method comprising the steps of: retrieving an image (Rubin, Figure 4); displaying the image with a plurality of different visual notations (Heck, Page 2 lines 25-28, Balabanovic, Figure 5) that an annotation exists (Rubin, Figure 4 item 401); receiving user selection of the visual notation (Rubin, [0086] lines 1-15, [102] lines 1-25); generating the annotation automatically, in response to user input of a location within the image and an audio input, and outputting the annotation associated with the selected visual notation (Rubin,

[0080] lines 1-17, [0086] lines 1-15, Balabanovic, Figure 5) determining whether the annotation includes text; retrieving a text annotation for the selected visual notation; and displaying the retrieved text with the image (Rubin, [0086] lines 1-15).

As per claim 36, which is dependent on claim 35, the modified Rubin discloses a method wherein the annotation is text and the step of outputting is displaying the text proximate the image that it annotates (Rubin, [0086] lines 1-15).

As per claim 37, which is dependent on claim 35, the modified Rubin discloses a method wherein the annotation is an audio signal and the step of outputting is playing the audio signal (Rubin, [0086] lines 1-15).

As per claim 39, which is dependent on claim 35, the modified Rubin discloses a method further comprising the steps of: determining whether the annotation includes an audio signal; retrieving a audio signal for the selected image; and wherein the step of outputting is playing the audio signal (Rubin, [0086] lines 1-15).

As per independent claim 40, the modified Rubin discloses a method for retrieving images, the method comprising the steps of: receiving audio input (Rubin, [0096] –[0099]); determining annotation objects that reference a close match to the audio input (Rubin, [0096] –[0099]); automatically creating an annotation object, independent of the image (Figure 4, [0123] – [0132]), that associates the input audio

signal and the location, and the direct annotation creation module automatically

terminating a recording of the input audio signal based on a predetermined audio level

([0080] lines 1-17); retrieving the images that are referenced by the determined

annotation objects (Rubin, [0096] –[0099]); and displaying the retrieved images (Rubin,

[0096] –[0099], Balabanovic Figure 5), one of a plurality of different visual notations for

the annotation object (Heck, Page 2 lines 25-34, Balabanovic Figure 5)and wherein the

annotation object includes at least an audio input field, an image reference field, and

annotation location field (Rubin, [0046]-[0049])

As per claim 41, which is dependent on claim 40, the modified Rubin discloses a

method wherein the step of determining annotation objects further comprising the steps

of: comparing the audio input to an audio signal reference by an annotation object

(Column 5 lines 30-35); and determining a close match between the audio input to the

audio signal reference by an annotation object if a probability metric is greater than a

threshold (Column 5 lines 35-38). Rubin-Heck-Mitchell-Balabanovic fails to disclose a

threshold of 80%. However, Official Notice is taken that a threshold of 80% is well

known in the art, 80% is not a definitive threshold, and could be replaced by any other

value. Therefore it would have been obvious to combine the method of Rubin-Heck-

Mitchell-Balabanovic with the current teaching. Motivation to do so would have been to

provide a standard of matching.

As per claim 42, which is dependent on claim 40, the modified Rubin discloses a method wherein the step of determining annotation objects further comprising the steps of: determining the annotation objects for a plurality of images; for each annotation object, comparing the audio input to an audio signal reference by an annotation object (Column 5 lines 30-35); and determining a close match between the audio input to the audio signal reference by an annotation object if a probability metric is greater than an a threshold (Column 5 lines 35-38). Rubin-Heck-Mitchell-Balabanovic fails to disclose a threshold of 80%. However, Official Notice is taken that a threshold of 80% is well known in the art, 80% is not a definitive threshold, and could be replaced by any other value. Therefore it would have been obvious to combine the method of Rubin-Heck-Mitchell-Balabanovic with the current teaching. Motivation to do so would have been to provide a standard of matching.

As per claim 11, which is dependent on claim 26, the modified Rubin discloses a method where the step of displaying is performed before or simultaneously with the step of receiving (Rubin, [0127] –[0129]).

As per claim 12, which is dependent on claim 26, the modified Rubin discloses a method wherein the step of receiving is performed before or simultaneously with the step of displaying (Rubin, [0101]).

As per claim 14, which is dependent on claim 26, the modified Rubin teaches a method further comprising the step of displaying the one of the plurality of different visual notations to indicate that the image has an annotation (Rubin, Figure 4 item 401).

As per claim 15, which is dependent on claim 14, the modified Rubin teaches one of the plurality of different visual notations being text or a symbol (Rubin, Figure 4 item 401).

As per claim 16, which is dependent on claim 26, the modified Rubin discloses a method wherein the step of creating an annotation includes creating an annotation object and storing the annotation object in an object storage (Rubin, [0046]-[0049]).

Response to Arguments

Applicant's arguments with respect to claims 1-3,5-6,9,11-12,14,16,26-37,39-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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